



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

Error to Law and Chancery Court of City of Roanoke.
 Action by Joseph Sartini against the City of Roanoke.
 Judgment for plaintiff, and defendant brings error. Affirmed.
S. Hamilton Graves, for the plaintiff in error.
A. B. Hunt and *H. M. Fox*, for the defendant in error.

LANDON et al. v. KWASS et al.

Sept. 19, 1918.

[96 S. E. 764.]

1. Injunction (§ 34*)—Violation of Town Ordinance.—Equity will not restrain an act merely because in violation of a town ordinance; but, if resulting in special and irreparable injury to private property, the owner is entitled to relief.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 522.]

2. Injunction (§ 34*)—Irreparable Damage—Violation of Fire Limits Ordinance.—Increased fire risk, and a higher insurance rate were not such special and irreparable injury to plaintiffs' property from defendants' violation of the fire limits ordinance of the town as entitled plaintiffs to injunctive relief against defendants.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 522.]

3. Injunction (§ 77 (1*))—Violation of Fire Limits Ordinance—Discretion of Council.—Where fire limits ordinance of town reserved to council discretion to determine whether violative building should be torn down, plaintiffs, dependent for standing in court on the ordinance, cannot call upon equity to exercise by mandatory injunction such discretion, reserved to the council, against defendants' violative wall.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 578.]

Appeal from Circuit Court, Tazewell County.

Suit for injunction by one Landon and others against one Kwass and another. From the decree, complainants appeal. Affirmed.

Greever, Gillespie & Devine, for the appellants.

Minter & Minter and *E. H. Butts*, for the appellees.

CARTER v. COMMONWEALTH.

Sept. 19, 1918.

[96 S. E. 766.]

1. Criminal Law (§ 1172 (8*))—Harmless Error—Instructions.—Where one was convicted under the Mapp law of unlawfully transporting more than one quart of ardent spirits, he cannot complain of an instruction which improperly distinguished between the right

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

of a person to carry a quart of whisky in his baggage and his right to carry it in his pocket.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 600.]

2. Criminal Law (§ 761 (18)*)—Instructions—Assumption—Unlawful Transportation of Liquor.—Where defendant was found in a town hall, where he did not live, with whisky in his pocket, the court did not err in an instruction in assuming that the commonwealth had proved that defendant was transporting the whisky.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 730.]

3. Intoxicating Liquors (§ 224*)—Burden of Proof.—In a prosecution under the Mapp prohibition law, defendant had the burden of proving any matter in defense upon which he wished to rely.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 33.]

4. Criminal Law (§ 1172 (8)*)—Harmless Error—Instructions.—Where one was convicted under the Mapp law of unlawfully transporting whisky, he was not prejudiced by an improper instruction concerning the unlawful keeping or storing of whisky.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 600.]

Appeal from Circuit Court, Wise County.

Lee Carter was convicted of unlawfully transporting more than one quart of ardent spirits, and he appeals. Affirmed.

A. N. Kilgore, for the plaintiff in error.

Attorney-General Jno. R. Saunders and *Assistant Attorney-General J. D. Hank, Jr.*, for the Commonwealth.

JEWELL RIDGE COAL CORPORATION *v.* KEEN.

Sept. 19, 1918.

[96 S. E. 767.]

1. Master and Servant (§ 261 (1)*)—Injuries to Servant—Contributory Negligence.—Question whether plaintiff, coal miner, was guilty of any such negligence, whether common-law or statutory, as would preclude his recovery against his employer, was matter of defense, not of averment; declaration alleging employer's negligence and plaintiff's freedom from fault.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 721.]

2. Master and Servant (§ 235 (10)*)—Duty of Coal Miner—Statute.—Mine Law (Acts 1912, c. 178) § 13, making it duty of coal miner to prop and secure his place, did not apply where threatened danger was not of character calling for use of props, as determined by mine foreman on report of unsafe condition by miner.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 705.]

3. Master and Servant (§ 185 (12)*)—Fellow Servants—Coal Mining—Statute.—By direct provisions of Mine Law (Acts 1912, c. 178) §

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.